

House File 2286 - Introduced

HOUSE FILE 2286

BY HALL

A BILL FOR

1 An Act relating to the authority and duties of certain peace
2 officers.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 817A.1 Peace officer authority and
2 duties.

3 1. For purposes of this section, "*peace officer*" means any
4 of the following:

5 a. Sheriffs and their regular deputies who are subject to
6 mandated law enforcement training.

7 b. Marshals and police officers of cities.

8 c. Parole officers acting pursuant to section 906.2.

9 d. Probation officers acting pursuant to section 602.7202,
10 subsection 4, and section 907.2.

11 e. Special security officers employed by board of regents
12 institutions pursuant to section 262.13.

13 f. Conservation officers as authorized by section 456A.13.

14 g. Such employees of the department of transportation as
15 are designated "*peace officers*" by resolution of the department
16 under section 321.477.

17 h. Employees of an aviation authority designated as "*peace*
18 *officers*" by the authority under section 330A.8, subsection 16.

19 2. A peace officer as defined in subsection 1 shall have
20 and exercise all the powers of any other peace officer of the
21 state, limited only by the jurisdictional limits of the hiring
22 authority unless otherwise provided by law.

23 3. A peace officer shall have the authority to do all of the
24 following:

25 a. Administer oaths, acknowledge signatures, and take
26 voluntary testimony pursuant to the peace officer's duties as
27 provided by law.

28 b. Conduct examinations, investigations, and inspections.

29 c. Arrest a person without a warrant for offenses committed
30 in the peace officer's presence or if the peace officer
31 has probable cause to believe that the person arrested has
32 committed or is committing such offense.

33 d. Seize substances or articles used in the manufacture or
34 sale of controlled or counterfeit substances which the peace
35 officer has reasonable grounds to believe are in violation of

1 the law, are used to violate the law, is evidence related to a
2 violation of the law, or are proceeds from a violation of the
3 law.

4 4. The duties of a peace officer shall include but not be
5 limited to the following:

6 a. To enforce all federal, state, and local laws.

7 b. To enforce all laws relating to traffic on the public
8 highways of the state, including those relating to the safe and
9 legal operation of passenger cars, motorcycles, motor trucks,
10 and buses; to see that proper safety rules are observed; and to
11 give first aid to the injured.

12 c. To investigate all fires and to apprehend persons
13 suspected of arson and other fire-related crimes.

14 5. a. A peace officer, when authorized by the appropriate
15 hiring authority, may act in concert with, under the direction
16 of, or otherwise serve as a local actor for an officer or agent
17 of state or federal government.

18 b. If serving as a local actor for an officer or agent of
19 the state or federal government as provided in paragraph "a",
20 the peace officer shall be considered acting within the scope
21 of the employee's office or employment.

22 6. This section shall not be construed as a limitation on
23 any other additional authority and duties of peace officers
24 otherwise authorized by federal, state, or local law.

25 EXPLANATION

26 This bill relates to the authority and duties of peace
27 officers, defined in the bill to include sheriffs and their
28 regular deputies, marshals and police officers of cities,
29 parole officers, probation officers, special security officers
30 employed by board of regents institutions, conservation
31 officers, and certain employees of the department of
32 transportation and of an aviation authority.

33 The bill provides that a peace officer shall have and
34 exercise all the powers of any other state peace officer,
35 limited only by the jurisdictional limits of the hiring

1 authority unless otherwise provided by law.

2 The bill provides that a peace officer shall have the
3 authority to administer oaths, acknowledge signatures, and take
4 voluntary testimony pursuant to the peace officer's duties
5 as provided by law, conduct examinations, investigations,
6 and inspections, arrest a person without a warrant for
7 offenses committed in the peace officer's presence or if the
8 peace officer has probable cause to believe that the person
9 arrested has committed or is committing such offense, and seize
10 substances or articles used in the manufacture or sale of
11 controlled or counterfeit substances which the peace officer
12 has reasonable grounds to believe are in violation of the law,
13 are used to violate the law, is evidence related to a violation
14 of the law, or are proceeds from a violation of the law.

15 The bill provides the duties of a peace officer shall
16 include but not be limited to the enforcement of all federal,
17 state, and local laws, the enforcement of traffic laws on
18 state highways including those relating to the safe and legal
19 operation of passenger cars, motorcycles, motor trucks, and
20 buses, and the provision of first aid to injured persons,
21 and the investigation of fires including the apprehension of
22 persons suspected of arson and other fire-related crimes.

23 The bill allows a peace officer, when authorized by the
24 appropriate hiring authority, to act in concert with, under
25 the direction of, or otherwise serve as a local actor for an
26 officer or agent of state or federal government.

27 The bill shall not be construed as a limitation on any other
28 additional authority and duties of peace officers otherwise
29 authorized by federal, state, or local law.